

The above amendments and following remarks are submitted in response to the Official Action of the Examiner (i.e. Paper No. 3) mailed December 28, 2000. Having addressed all objections and grounds of rejection, claims 1-20, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

The Examiner has objected to Figs. 3-4 of the drawings, as utilizing reference numeral "54" to refer to two elements. The Examiner further objected to various Figures as utilizing multiple reference numerals to refer to similar components. The Examiner further objected to Figs. 6, 9, and 10 as having reference numerals not discussed within the specification. The Examiner further objected to the specification as discussing reference numerals not found within the drawings. Enclosed herewith are proposed modifications to Figs. 4, 6, and 9-10 and corresponding amendments to the specification which are deemed to completely address these objections. Substitute formal drawings will be submitted upon allowance of all pending claims.

The Examiner objected to the title. In response thereto, the title has been amended as recommended by the Examiner.

The Examiner objected to missing serial numbers and filing dates for certain cross-referenced applications. The Examiner objected to the specification as containing various typographical

errors. The Examiner objected to the form of the use of "Classic MAPPER" and "Cool ICE". Amendments have been made to the specification in response to each of these objections. Above is a "clean" copy of the specification as amended. Appendix A, below, is a listing of the amendments in support of these modifications. No new matter has been added.

Claims 1-5, 6-10, and 16-20 were rejected under 35 U.S.C. 112, second paragraph, containing certain informalities. Provided above is a "clean" copy of all pending claims containing amendments to the claims which are deemed fully responsive to this rejection. Support for these amendments is found within Appendix B.

The Examiner has rejected claims 1-20 under 35 U.S.C. 102(b) as being unpatentable over *Cool Ice User's Guide Release 1.0* (hereinafter "Guide"). This ground of rejection is respectfully traversed as based upon clearly erroneous findings of fact and for failure to state a *prima facie* case of anticipation.

"It is axiomatic that for prior art to anticipate under §102 it has to meet every element of the claimed invention, and that such a determination is one of fact." *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 USPQ 81, 90 (Fed. Cir. 1986). The rejection of claims 1-20 is respectfully traversed

because Guide does not "meet every element of the claimed invention".

Specifically, claim 1, for example, is limited by "a server

... wherein said server includes an administration management
system ... which optionally transfers an unavailability message

5 to said user terminal". Guide has no such structure. The

Examiner has not found Guide to contain such structure. Instead,

she has cited a number of generalized portions of Guide which

show a similar over all environment. However, there is simply no

provision for "an unavailability message" within Guide. It

10 provides no teaching or suggestion of such a feature. Thus, the

rejection of claim 1 is respectfully traversed.

Claim 2 depends from claim 1 and is further limited by "a

repository for storing said unavailability message". Because

Guide has no such "unavailability message", it certainly has no

15 repository for storing same. Instead the Examiner cites Guide,

page 1-9, which describes a repository for storing services. It

does not teach or suggest a repository in accordance with the

claimed invention. Therefore, the rejection of claim 2 is

respectfully traversed.

20 Claim 3 depends from claim 2 and contains further

limitations. Therefore, the rejection of claim 3 is respectfully

traversed.

Claim 4 depends from claim 3 and is further limited by
"space for storage of at least one variable for said
unavailability message". There is simply no such structure
taught or suggested by Guide. Thus, the rejection of claim 4 is
5 respectfully traversed.

Claim 5 depends from claim 4 and contains further
limitations. Therefore, the rejection of claim 5 is respectfully
traversed.

Claim 6 is an independent claim limited by "an
10 administration management system ... for transferring an
unavailability message ...". Guide, of course, has no such
structure. However, the Examiner erroneously alleges that:

[page 1-4; also note section Access Log page 2-14
discusses providing information about when the system
15 is busy; figures 1-1 and 1-2]

Contrary to the Examiner's finding, there is no suggestion that
Guide even anticipates "unavailability" because the system is
busy. Instead, it simply states at page 2-14 that the log
20 provides:

... how long it took for the MAPPER system to execute
the service.

In other words, Guide assumes that some services may take longer
25 than others, but assumes that all service requests will be
honored in due course. Furthermore, it certainly does not
suggest the need to send a message to the user to notify him/her

of unavailability as is limiting of the claimed invention. The rejection of claim 6 is respectfully traversed.

Claim 7 depends from claim 6 and is further limited by a repository having storage for said unavailability message. Guide
5 has no such structure. Therefore, the rejection of claim 7 is respectfully traversed.

Claim 8 depends from claim 7 and is further limited by storage for a variable to be included in said unavailability message. Guide has no unavailability message. Therefore, it has
10 no variable to be included in the unavailability message. Thus, it has no storage for the variable. The rejection of claim 8 is respectfully traversed.

Claim 9 depends from claim 8 and contains further limitations. Therefore, the rejection of claim 9 is respectfully
15 traversed.

Claim 10 depends from claim 9 and contains further limitations. Therefore, the rejection of claim 10 is respectfully traversed.

Claim 11 is an independent method claim limited by
20 "determining", "honoring", and "transferring" steps not taught or suggested by Guide. As explained above, the system discussed by Guide assumes that all service requests are to be honored. Thus, the rejection of claim 11 is respectfully traversed.

Claim 12 depends from claim 11 and further limits the "transferring" step. Guide has no transferring step. Thus, it cannot have the further limitations of claim 12. The rejection of claim 12 is respectfully traversed.

5 Claim 13 depends from claim 12 and further limits the "transferring" step by "adding" a variable. Guide has no unavailability message. Therefore, it cannot add a variable to it. The rejection of claim 13 is respectfully traversed.

10 Claim 14 depends from claim 12 and contains further limitations. Therefore, the rejection of claim 14 is respectfully traversed.

Claim 15 depends from claim 14 and contains further limitations. Therefore, the rejection of claim 15 is respectfully traversed.

15 Claim 16 is an independent apparatus claim having "means-plus-function" limitations. The Examiner does not even allege that Guide has the "notifying means" of element e. In fact it does not. Thus, the rejection of claim 16 is respectfully traversed.

20 Claims 17-20 depend from claim 16 and contain further limitations. Therefore, the rejection of claims 17-20 is respectfully traversed.

Having thus responded to each objection and ground of
rejection, Applicants respectfully request entry of this
amendment and allowance of claims 1-20, as amended, being the
5 only pending claims.

Respectfully submitted,

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By his attorney,

10
Date

March 28, 2001

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APPENDIX A (SUPPORT FOR SPECIFICATION AMENDMENTS)

1. At page 3, line 19, delete ":";
2. At page 4, line 9, replace "Classic" with -CLASSIC-;
3. At page 4, line 10, replace "Classic" with -CLASSIC-;
4. At page 4, line 12, replace "Classic" with -CLASSIC-;
5. At page 4, line 18, replace "Classic" with -CLASSIC-;
6. At page 4, line 21, replace "Classic" with -CLASSIC-;
7. At page 5, line 2, replace "Classic" with -CLASSIC-;
8. At page 5, line 5, replace "Classic" with -CLASSIC-;
9. At page 5, line 20, replace "Classic" with -CLASSIC-;
10. At page 7, line 9, replace "Classic" with -CLASSIC-;
11. At page 12, line 7, replace "Cool" with -COOL-;
12. At page 12, line 12, replace "Cool" with -COOL-;
13. At page 12, line 13, replace "Cool" with -COOL-;
14. At page 13, line 6, replace "Classic" with -CLASSIC-;
15. At page 13, line 7, replace "Cool" with -COOL-;
16. At page 13, line 14, replace "Classic" with -CLASSIC-;
17. At page 14, line 1, replace "Cool" with -COOL-;
18. At page 14, line 3, replace "Cool" with -COOL-;
19. At page 14, line 5, replace "Cool" with -COOL-;
20. At page 14, line 6, replace "Cool" with -COOL-;
21. At page 17, line 8, replace "50" with -96-;

DO NOT ENTER SUBS. SPEC. 6/14/13. Can.

22. At page 17, line 9, replace "50" with -96-;
23. At page 17, line 11, replace "50" with -96-;
- 5 24. At page 17, line 13, replace "50" with -96-;
25. At page 17, line 16, replace "50" with -96-;
- 10 26. At page 18, line 8, replace "Cool" with -COOL-;
27. At page 18, line 8, replace "50" with -96-;
- 15 28. At page 18, line 9 (both occurrences), replace "50" with -96-;
29. At page 18, line 10, replace "50" with -96-;
30. At page 18, line 17, replace "Cool" with -COOL-;
- 20 31. At page 19, line 5, replace "68" with -96-;
32. At page 19, line 9, replace "Cool" with -COOL-;
- 25 33. At page 19, line 18, replace "68" with -96-;
34. At page 20, line 2, replace "Cool" with -COOL-;
35. At page 20, line 8, replace "Cool" with -COOL-;
- 30 36. At page 20, line 9, replace "Cool" with -COOL-;
37. At page 20, line 12, replace "88" with -58-;
- 35 38. At page 20, line 12, replace "86" with -54-;
39. At page 20, line 14, replace "Cool" with -COOL-;
40. At page 20, line 16, replace "Cool" with -COOL-;
- 40 41. At page 20, line 16, replace "68" with -96-;
42. At page 20, line 18, replace "82" with -104-;
- 45 43. At page 20, line 20, replace "Cool" with -COOL-;
44. At page 20, line 21, replace "Cool" with -COOL-;

45. At page 20, line 21, replace "82" with -104;
46. At page 21, line 1, replace "Cool" with -COOL-;
- 5 47. At page 21, line 6, replace "Classic" with -CLASSIC-;
48. At page 21, line 6, replace "86" with -54-;
- 10 49. At page 21, line 7, replace "88" with -58-;
50. At page 21, line 10, replace "Cool" with -COOL-;
51. At page 21, line 11, replace "Classic" with -CLASSIC-;
- 15 52. At page 21, line 13, replace "Cool" with -COOL-;
53. At page 21, line 15, replace "Cool" with -COOL-;
- 20 54. At page 21, line 18 (both occurrences), replace "Cool" with -COOL-;
55. At page 21, line 21, replace "Cool" with -COOL-;
- 25 56. At page 22, line 3, replace "Cool" with -COOL-;
57. At page 22, line 5, replace "Cool" with -COOL-;
58. At page 22, line 15, replace "106" with -80-;
- 30 59. At page 23, line 2, replace "Cool" with -COOL-;
60. At page 23, line 4, replace "Cool" with -COOL-;
- 35 61. At page 23, line 6, replace "106" with -80-;
62. At page 23, line 7, replace "106" with -80-;
63. At page 23, line 10, replace "106" with -80-;
- 40 64. At page 23, line 13, replace "106" with -80-;
65. At page 23, line 14 (three occurrences), replace "Cool" with -COOL-;
- 45 66. At page 23, line 15 (three occurrences), replace "Cool" with -COOL-;

67. At page 23, line 15, replace "106" with -80-;
68. At page 23, line 18, replace "Classic" with -CLASSIC-;
- 5 69. At page 23, line 20, replace "Cool" with -COOL-;
70. At page 23, line 21 (both occurrences), replace "Cool" with -COOL-;
- 10 71. At page 23, line 22, replace "Cool" with -COOL-;
72. At page 24, line 2, replace "Cool" with -COOL-;
- 15 73. At page 24, line 5 (both occurrences), replace "Cool" with -COOL-;
74. At page 24, line 6, replace "Cool" with -COOL-;
- 20 75. At page 24, line 7 (both occurrences), replace "Cool" with -COOL-;
76. At page 24, line 8, replace "Cool" with -COOL-;
- 25 77. At page 24, line 10, replace "Cool" with -COOL-;
78. At page 24, line 12, replace "Cool" with -COOL-;
79. At page 24, line 13, replace "Cool" with -COOL-;
- 30 80. At page 24, line 14, replace "Cool" with -COOL-;
81. At page 24, line 15, replace "Cool" with -COOL-;
- 35 82. At page 24, line 16, replace "Cool" with -COOL-;
83. At page 24, line 18, replace "Cool" with -COOL-;
84. At page 24, line 20, replace "Cool" with -COOL-;
- 40 85. At page 24, line 21, replace "Cool" with -COOL-;
86. At page 25, line 2, replace "language," with -language-;
87. At page 25, line 4, replace "120" with -92-;
- 45 88. At page 25, line 19, replace "136" with -96-;

89. At page 25, line 21, replace "136" with -96-;
90. At page 26, line 1 (both occurrences), replace "136" with
-96-;
- 5 91. At page 26, line 2, replace "Cool" with -COOL-;
92. At page 26, line 3, replace "136" with -96-;
- 10 93. At page 26, line 3, replace "138" with -100-;
94. At page 26, line 7, replace "Cool" with -COOL-;
- 15 95. At page 26, line 10, replace "156" with -102-;
96. At page 26, line 10, replace "138" with -100-;
97. At page 26, line 12, replace "158" with -102-;
- 20 98. At page 26, line 13, replace "166" with -80-;
99. At page 26, line 18, replace "166" with -80-;
- 25 100. At page 26, line 18, replace "Cool" with -COOL-;
101. At page 26, line 19, replace "166" with -80-;
102. At page 26, line 21, replace "166" with -80-;
- 30 103. At page 27, line 3, delete "," after "Fig";
104. At page 27, line 3, replace "Cool" with -COOL-;
- 35 105. At page 27, line 4, replace "Cool" with -COOL-;
106. At page 27, line 5, replace "166" with -80-;
107. At page 27, line 8, replace "156" with -102-;
- 40 108. At page 27, line 9, replace "138" with -100-;
109. At page 27, line 10 (both occurrences), replace "Cool" with
-COOL-;
- 45 110. At page 27, line 11, replace "Cool" with -COOL-;

111. At page 27, line 11, replace "136" with -96-;
112. At page 27, line 22, replace "Cool" with -COOL-;
5 113. At page 28, line 2, replace "Cool" with -COOL-;
114. At page 28, line 8, replace "Cool" with -COOL-;
115. At page 28, line 9, replace "Cool" with -COOL-;
10 116. At page 29, line 2, replace "Cool" with -COOL-;
117. At page 29, line 7, replace "Cool" with -COOL-;
15 118. At page 29, line 8, replace "Cool" with -COOL-;
119. At page 29, line 11, replace "Cool" with -COOL-;
120. At page 29, line 12, replace "156" with -158-;
20 121. At page 29, line 12, replace "Cool" with -COOL-;
122. At page 30, line 2 (both occurrences), replace "Cool" with
-COOL-;
25 123. At page 30, line 9, replace "Cool" with -COOL-;
124. At page 31, line 4, delete ";" after "URL";
30 125. At page 31, line 4, replace "Classic" with -CLASSIC-;
126. At page 31, line 13, replace "208" with -206-;
127. At page 32, line 5, replace "244" with -92-;
35 128. At page 32, line 7, replace "254" with -96-;
129. At page 32, line 8, replace "256" with -100-;
40 130. At page 32, line 9, replace "258" with -102-;
131. At page 32, line 11, replace "262" with -80-;
132. At page 32, line 14, replace "290" with -104-;
45 133. At page 32, line 17, replace "262" with -80-;

134. At page 32, line 21, replace "262" with -80-;
135. At page 33, line 1, replace "258" with -102-;
5 136. At page 33, line 1, replace "262" with -80-;
137. At page 33, line 3, replace "256" with -100-;
138. At page 33, line 3, replace "262" with -80-;
10 139. At page 33, line 4, replace "244" with -92-;
140. At page 33, line 8 (both occurrences), replace "Cool" with
-COOL-;
15 141. At page 33, line 14, replace "Cool" with -COOL-;
142. At page 33, line 18, replace "Cool" with -COOL-;
20 143. At page 34, line 1, replace "Cool" with -COOL-;
144. At page 34, line 3, replace "Cool" with -COOL-;
25 145. At page 34, line 5, replace "244" with -92-;
146. At page 34, line 6, replace "254" with -96-;
147. At page 34, line 7, replace "256" with -100-;
30 148. At page 34, line 9 (both occurrences), replace "294" with
-102-;
149. At page 34, line 10, delete "," after ".";
35 150. At page 34, line 10, replace "304" with -104-;
151. At page 34, line 12, replace "304" with -104-;
152. At page 34, line 12, replace "308" with -80-;
40 153. At page 34, line 14, replace "308" with -80-;
154. At page 34, line 16, replace "294" with -102-;
45 155. At page 34, line 18, replace "256" with -100-;

156. At page 35, line 2, replace "Cool" with -COOL-;

157. At page 35, line 7 (both occurrences), replace "Cool" with
-COOL-;

158. At page 35, line 8, replace "Cool" with -COOL-;

159. At page 35, line 9 (both occurrences), replace "Cool" with
-COOL-;

160. At page 35, line 10, replace "Cool" with -COOL-;

161. At page 35, line 11, replace "Cool" with -COOL-;

162. At page 35, line 12, replace "Cool" with -COOL-;

163. At page 35, line 16, replace "Cool" with -COOL-;

164. At page 35, line 17, replace "Cool" with -COOL-;

165. At page 35, line 18, replace "Cool" with -COOL-; and

166. At page 36, line 4, replace "Cool" with -COOL-.

APPENDIX B (SUPPORT FOR CLAIM AMENDMENTS)

5 1. (First Amended) In a data processing environment having a user terminal coupled to a publicly accessible digital communications network and having a data base management system with, the improvement comprising:

a server [responsively] coupled to said user terminal via said publicly accessible digital communications network and [responsively] coupled to said data base management
10 system wherein said server includes an [administrator] administration management system which optionally transfers an unavailability message to said user terminal.

5. (First Amended) The improvement according to claim 4 wherein said data base management system is [Classic] CLASSIC MAPPER.

15 6. (First Amended) An apparatus comprising:

- a. a user terminal;
- b. a publicly accessible digital communications network coupled to said user terminal;
- c. a server [responsively] coupled to said user terminal via said publicly accessible digital
20 communications network;
- d. a data base management system coupled to said server; and
- e. an [administrator responsively] administration management system coupled to said data base management system and said server for transferring an unavailability message from said server to said user terminal to indicate unavailability of said data base management system.

15. (First Amended) A method according to claim 14 wherein said data base management system further comprises CLASSIC [Classic] MAPPER data base management system.

16. (First Amended) An apparatus comprising:

- a. means for permitting a user to interact with a digital data base;
- b. means responsively coupled to said permitting means for providing said user with access to a publicly accessible digital communication network via service-based requests;
- c. means responsively coupled to said permitting means for offering data processing services according to dialog-based requests; and
- [e] d. means responsively coupled to said offering means and said permitting means for notifying said user terminal of the unavailability of said offering means.

19. (First Amended) An apparatus according to claim 18 wherein said offering means further comprises [Classic] CLASSIC MAPPER data base management system.

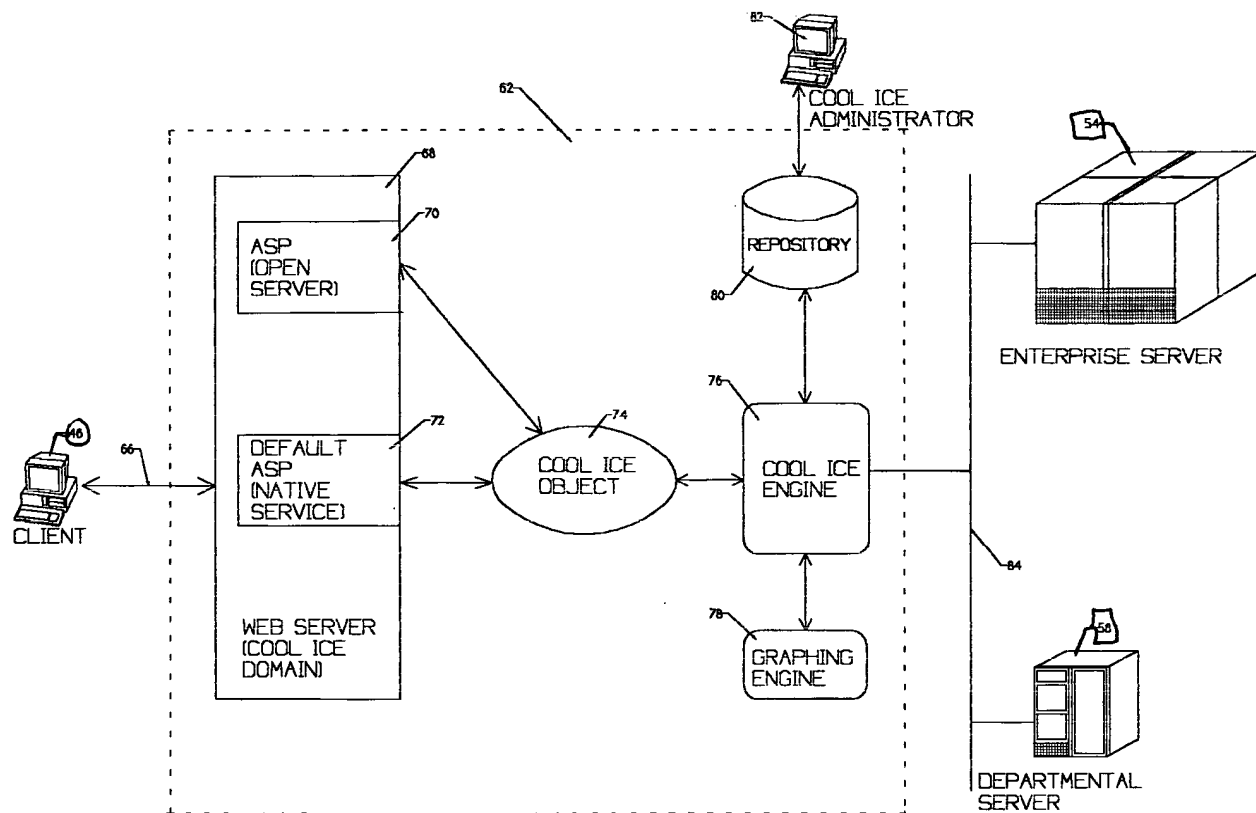


FIG. 4

den.
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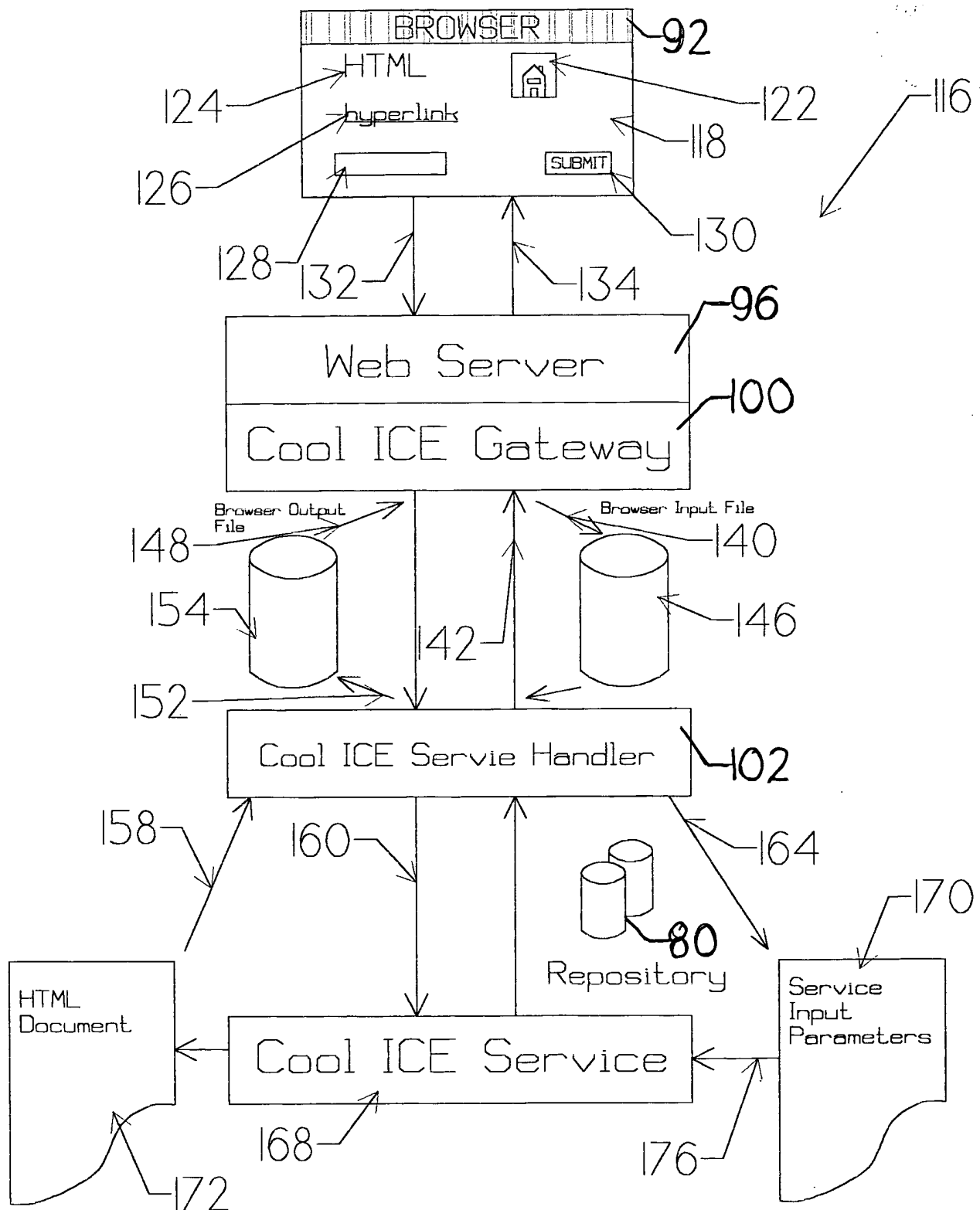


FIG. 6

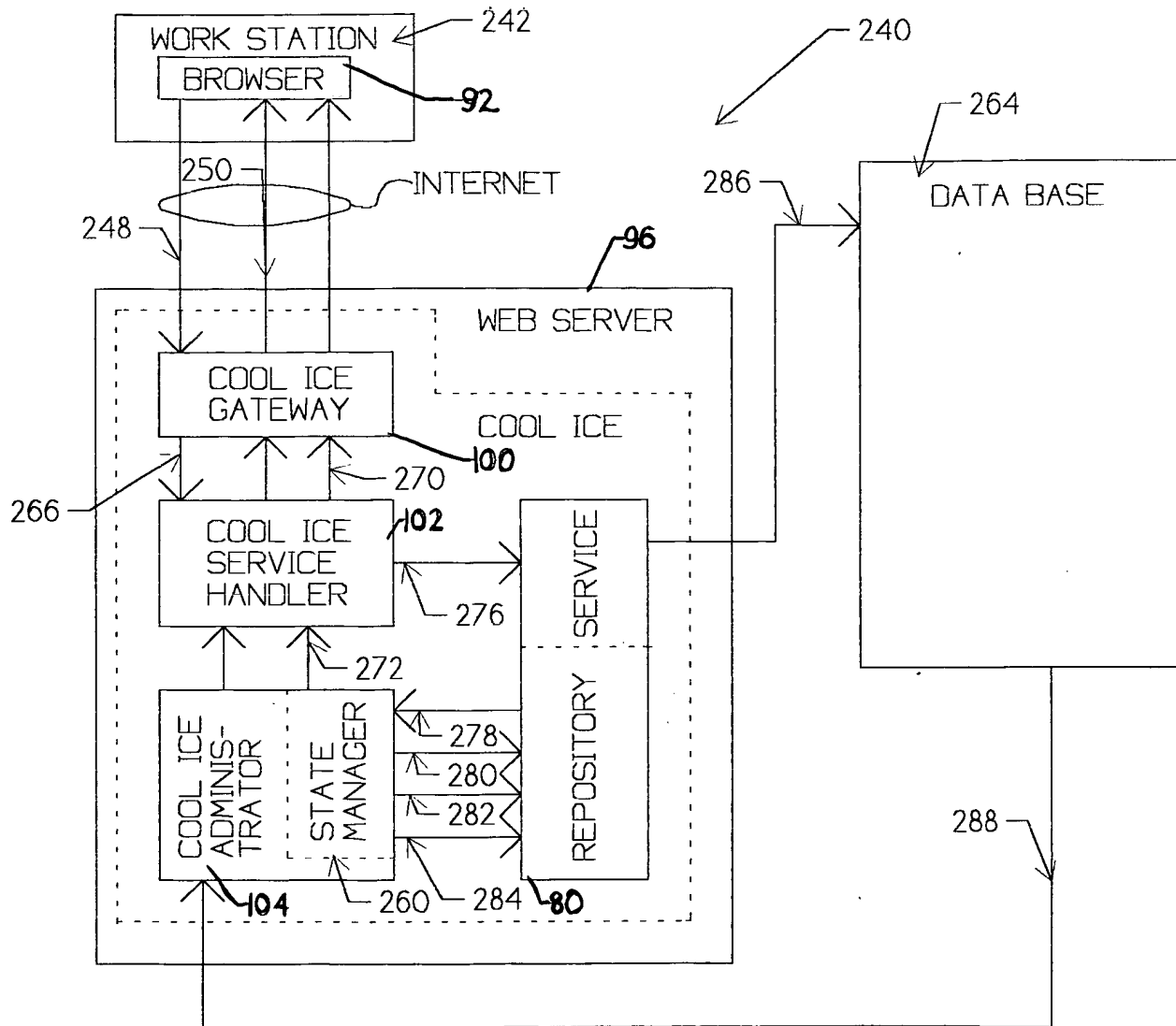


FIG. 9

Approved on 6/18/03

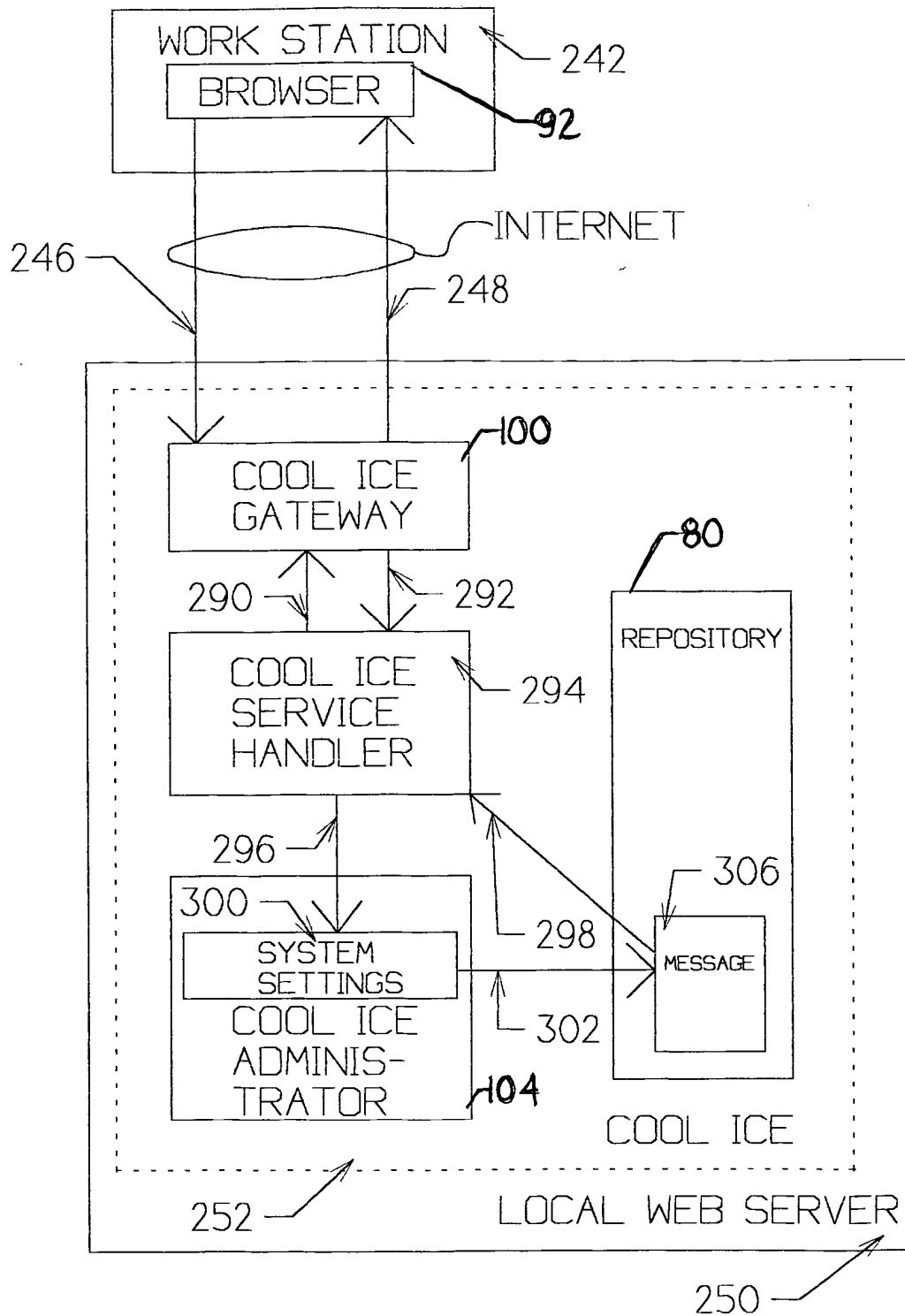


FIG. 10